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PATENT

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Linda G. Drake

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicants: McCLINTOCK, Willard K., et al. : Paper No.:
Serial No.: 09/909,487 : Group Art Unit: 1742
Filed: July 20, 2001 : Examiner: Andrews, Melvyn J.
For: **STEEL MAKING MATERIAL RECYCLING SYSTEM**

RESPONSE TO THE RESTRICTION REQUIREMENT

Mail Stop Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Official Action dated February 10, 2004, the Examiner required restriction under 35 U.S.C. §121 to one of the following groups:

Invention I: Drawn to a steel processing material classified in class 75, subclass 320; and

Invention II: Drawn to a method for producing steel in an electric arc furnace classified in class 75, subclass 10.61.

Applicants respectfully traverse the Examiner's restriction requirement. It is Applicants' position that the inventions set forth in the present application do not involve an unreasonably burdensome search by the Examiner such that the imposition of the restriction requirement in the present case is violative of 35 U.S.C. §121 and should be withdrawn. Indeed, MPEP § 803 states that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits ...". In this case, a search including the steel processing material and method of preparing a steel

processing material set forth in the claims would not involve an unreasonably burdensome search. Moreover, it is noted that the Examiner previously issued an Official Action on the merits wherein the original claims were considered by the Examiner. It is believed that updating a previous search conducted by the Examiner does not involve an unduly burdensome search. Applicants therefore respectfully request withdrawal of the restriction requirement and consideration of all the claims pending in this application. For the purposes of complying with 37 C.F.R. §1.143, Applicants hereby provisionally elect Invention I, with traverse. It is believed that claims 1-7, 26, 27 and 30 read on Invention I.

The Examiner further comments that there appears to be no support for changing the term "post combustion material" to --furnace exhaust (sic) material-- as set forth in the February 21, 2003 amendment of the paragraph appearing on page 5, beginning on line 11. Applicant respectfully traverses this objection. As set forth below, it is apparent that Applicants are simply correcting a typographical error that is clearly supported by the original disclosure.

As set forth on page 1, lines 14-15, Applicants state that Furnace Exhaust Material (FEM) is generated from the post combustion chamber as Post Combustion Material (PCM) or bag house dust. On page 5, lines 13-15, Applicants further emphasize that FEM comprises PCM or bag house dust. Applicants simply correct the sentence appearing on page 5, lines 16-19 to provide consistency. Indeed, the sentence states that the steel industry can use other terms to describe drop out box particles (e.g., PCM) or bag house dust but that the term "furnace exhaust material" (described above as including PCM or bag house dust) should be understood to cover any iron-bearing material from the exhaust of a steel making furnace. Moreover, failure to correct the typographical error would imply that "post combustion material" might comprise bag house dust which directly contradicts the statement on page 1, lines 11-13 that PCM comprises particles that are too heavy or too large to be exhausted to the bag house. Correction of the typographical error is therefore believed to be proper and fully supported by the original disclosure.

It is believed that the above represents a complete response to the restriction requirement, and examination on the merits is hereby respectfully requested.

Respectfully submitted,

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